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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,965	07/21/2005	Shinya Adachi	NGB-38528	2596
53054 7590 03/19/2009 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER PARK, SOO JIN				
ART UNIT 2624		PAPER NUMBER		
NOTIFICATION DATE 03/19/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@peame.com
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Office Action Summary

Application No.

10/542,965

Applicant(s)

ADACHI ET AL.

Examiner

SOO JIN PARK

Art Unit

2624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to the amendments filed on 12/31/2008, all the amendments to the claims have been entered and the action follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Adachi (JP 2002-328032). Adachi (USPAPN 2005/0131632), hereinafter referenced as Adachi2, is used as a translation for Adachi (JP 2002-328032).

Regarding **claim 1**, Adachi discloses:

coding shape information for identifying a first road section connected to a second road section at a starting-end point of the first road section on a first digital map and identifying the first road section on a second map which has a different error from the first digital map (see Adachi2 paragraphs [0010], [0068]-[0069], The Abstract, and figure 6, encoding vector shape for identifying an object road connected to a branch path at an intersection node of the object road on a digital map of a transmitting side and identifying the object road on a digital map of a receiving side which is different from the digital map of the transmitting side), comprising:

representing the first road section by a coordinate string which is a list of points on the first road section (see Adachi2 paragraphs [0006], [0069], and figure 6, representing the object road by a coordinate string of nodes); and

representing the starting-end point of the first road section by information which identifies a location where the starting-end point is located on the second road section (see Adachi2 paragraphs [0068]-[0097] and figures 6 and 7, representing the intersection node P1 of the object road by information identifying its distance to the branch path).

Regarding **claim 24**, Adachi discloses:

a transmitter for transmitting shape information to be identified on a digital map of a receiver (see Adachi2 paragraph [0010], a transmitting side for transmitting a vector shape to be identified on a digital map of a receiving side), comprising:

a digital map which has a different error from the digital map of the receiver (see Adachi2 paragraph [0010], a digital map of the transmitting side);

a coder which codes shape information for identifying first road section connected to a second road section at a starting-end point of the first road section on the digital map of the transmitter (see Adachi2 paragraphs [0068]-[0069], the Abstract, and figure 6, an encoder encoding the vector shape for identifying an object road connected to a branch path at an intersection node of the object road on the digital map of the transmitting side),

wherein the first road section is represented by a coordinate string which is a list of point on the first road section (see Adachi2 paragraphs [0006], [0069], and figure 6, the object road is represented by a coordinate string of nodes), and

wherein the starting-end point of the first road section is represented by information which identifies a location where the starting-end point is located on the second road section (see Adachi2 paragraphs [0068]-[0097] and figures 6 and 7, the intersection node P1 of the object road is represented by information identifying its distance to the branch path).

Regarding **claim 25** Adachi discloses:

a first digital map (see Adachi2 paragraph [0010], a digital map of a transmitting side);

a receiver for receiving shape information for identifying first road section connected to a second road section at a starting-end point of the first road section on a second digital map which has a different error from the first digital map (see Adachi2 paragraphs [0010], [0068]-[0069], and figure 6, a receiving side for receiving vector shape for identifying an object road connected to a branch path at an intersection node of the object road on a digital map of the receiving side which is different from the digital map of the transmitting side),

the shape information being coded so that the first road section is represented by a coordinate string which is a list of point on the first road section (see Adachi2 paragraphs [0006], [0068]-[0069], the Abstract, and figure 6, the vector shape being encoded so that the object road is represented by a coordinate string of nodes), and

the starting-end point of the first road section is represented by information which identifies a location where the starting-end point is located on the second road section (see Adachi2 paragraphs [0068]-[0097] and figures 6 and 7, the intersection node P1 of the object road is represented by information identifying its distance to the branch path);

identifying the second road section on the first digital map (see Adachi2 paragraphs [0068]-[0069] and figure 6, the branch path is identified on the digital map of the transmitting side); and

identifying the first road section on the first digital map using the starting-end point located on the second road section (see Adachi2 paragraphs [0068]-[0069] and figure 6, the object road corresponding to the intersection node is identified on the digital map of the transmitting side by the intersection node itself which is also a portion of the branch path).

Response to Arguments

Applicant's arguments with respect to claims 1, 24, and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOO JIN PARK whose telephone number is 571-270-3569. The examiner can normally be reached on Monday - Friday 9:00 - 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SOO JIN PARK
Examiner
Art Unit 2624

SJP
March 15, 2009

/Vikram Bali/
Supervisory Patent Examiner, Art Unit 2624